



CITY OF MEMPHIS

COUNCIL AGENDA

August 5, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (July 15, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** to amend previous Ordinance No. 4388, codified as City Code, Title 6, Chapter 6-92, Section 6-92-1, ET. SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until December 31, 2008, up for F I R S T reading.

Flinn

Ordinance No. 5270

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, by amending Section 2-228 (asphaltic binder paving of streets constructed as part of standard improvement contracts; costs), to include the requirement for provision of the surface course of pavement and street striping by the developer and to implement a warranty requirement for the infrastructure constructed as part of the City standard improvement contract, so as to enhance the long-term stability and durability of roadways being constructed, up for F I R S T reading.

Morrison

Ordinance No. 5271

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** to publish Home Rule Amendments as determined by the City of Memphis Charter Commission and deliver Home Rule Amendments to the Election Commission together with a suggested proposal and form of preference to be placed on the ballot in an election to be held on the 4th day of November, 2008, up for F I R S T reading.

McCormick

Ordinance No. 5272

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

4. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to provide for the approval of Deputy Directors by the City Council and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 4, 2008, up for S E C O N D reading.

McCormick

Ordinance No. 5267

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to provide for the approval of Contracts by the City Council and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 4, 2008, up for S E C O N D reading.

McCormick

Ordinance No. 5268

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **ORDINANCE** to amend the Charter of the City of Memphis, so as to allow persons employed with the City's Division of Police Services after this date to be exempted from the residency provisions of the Memphis City Charter and allowed to reside within twenty (20) miles of the County line of Shelby County, Tennessee; and provided each non-resident so employed agrees to pay an annual fee to be deducted by payroll on a monthly basis, for as long as each person resides outside of the City and for as long as each such person is so employed by the City and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held on November 4, 2008, up for S E C O N D reading.

Ford

Ordinance No. 5269

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD

7. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-312cc – Shelby Drive/Germantown Rd., P.D., 3rd Amendment

Located on the north side of E. Shelby Drive; +/-1,643 feet east of Riverdale Road, containing 6.42 acres in an area currently governed by Shelby Drive/Germantown Road Planned Development (P.D. 05-353cc)

Applicant: Mickell Lowery
ETI Corporation – Representative

Request: Planned development amendment to allow a Community Recreation Center

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 08-313cc – Dr. Aguillard P.D.

Located on the south side of Fite Road; +800.6 feet east of North Watkins Street, containing 5.79 acres located in the Agricultural (AG) District

Applicant: Dr. Neal & Susan Aguillard
Homer Branan, Atty. – Representative

Request: A planned development to permit the customizing, repairing, brokering and manufacturing of antique, sporting and collectible firearms and their parts and accessories

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 08-316 – Prescott Road P.D.

Located on the west side of Prescott Road; +/-753.47 feet south of Winchester Road, containing 4.95 acres in the Single Family Residential (R-S8) District

Applicant: Airfield Etc., Inc.
Stephanie Poole – Representative

Request: Planned development to allow an electrical contractor's office with outdoor storage, including an accessory material and equipment storage building

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 08-319 – Grace St. Luke's School P.D.

Located on the northeast corner of Peabody Avenue and Lemaster Street, containing 2.22 acres in the Single Family Residential Historical Conservation (R-S6(HC)) District

Applicant: Grace St. Luke's Episcopal Church
Tom Beazley – Representative

Request: A planned development to permit institutional uses consisting of a private, church sponsored, day school (grades Pre K-9)

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SUP 08-205cc

Located on the west side of Collierville-Arlington Road; +/-5,600 feet south of Macon Road, containing 35.27 acres in the Agricultural (AG) District

Applicant: Collierville First Baptist Church
Fisher & Arnold, Inc. – Representative

Request: Special Use Permit to allow recreational and sports field lighting

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SUP 08-216cc

Located on the south side of Locke-Cuba Road; +/-865 feet west of Woodstock-Cuba Road, containing 48.50 acres in the Agricultural (AG) District

Applicant: Habitat for Hope
Fisher & Arnold, Inc. – Representative

Request: Special Use Permit to allow a philanthropic institution, including residential cottages, nature trail, horse and barn stables, resident managers' quarters and an open recreation field

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 19, 2008



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11185, Environmental Consulting Services, to Center for Toxicology and Environmental Health in the funded amount not to exceed \$530,000.00.
9. RESOLUTION awarding Contract No. 11285, Building Automation System for Administration Building, to Trane U.S., Inc. in the funded amount of \$84,851.00.
10. RESOLUTION approving Change No. 4 to Contract No. 11110, Courier Services, with Express Courier, Inc. in the funded amount of \$144,946.71. (This reduces the contract in the amount of \$8,151.00 due to the elimination of 19 courier stops per week, and renews the contract for the second of four renewal terms, September 1, 2008 to August 31, 2009.)
11. RESOLUTION approving Change No. 1 to Contract No. 11268, Information Services Support, with NexTech Solutions in the funded amount of \$158,661.25. (This increases the contract value for the Area Restructure Project.)
12. RESOLUTION approving Change No. 1 to Contract No. 11271, Information Services Support, with TEK Systems in the funded amount of \$69,000.00. (This increases the contract value for the Area Restructure Project.)
13. RESOLUTION approving Change No. 1 to Contract No. 11272, Information Services Support, with Ciber, Inc. in the funded amount of \$198,716.75. (This increases the contract value for the Area Restructure Project.)
14. RESOLUTION amending Purchase Order No. 126194 with Tiger Equipment for the purchase of one industrial tractor in the amount of \$53,050.00
15. RESOLUTION awarding contract for reinforcing steel to Gerdau Ameristeel Company in the amount of \$54,654.00.

16. RESOLUTION awarding contract for step-voltage regulators to HD Supply Utilities, LTD in the amount of \$34,639.47.
17. RESOLUTION awarding contract for hardware, software and related services to Logicalis, Inc. in the amount of \$614,197.32.
18. RESOLUTION awarding contract for Micro Focus software licensing and support to Micro Focus (US), Inc. in the amount of \$88,649.00.
19. RESOLUTION awarding contract for two pressure-regulating control valve assemblies to Fisher Controls c/o VRC Company in the amount of \$72,000.00.



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REGULAR AGENDA

20. APPOINTMENTS

MEMPHIS CITY BEAUTIFUL COMMISSION

Appointments

Shericka L. Blair
Valesa S. Johnson

Reappointments

Jake Allen
Sutton Mora Hayes
Yvonne Nelson
Cynthia Magallon Puljic

GENERAL ORDINANCES – THIRD AND FINAL READING (None)

ENGINEERING DIVISION

21. RESOLUTION accepting additional Federal grant funds in the amount of \$1,667,402.00 from the Tennessee Department of Transportation for the Coordinated Traffic Signal System Year 2 Project to help relieve traffic congestion and related air pollution on various major roadways in the City of Memphis. Resolution also amends the FY 2009 Operating Budget by adding these funds to the project (EN90008) and appropriates grant funds.

Morrison

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

22. RESOLUTION accepting grant funds in the amount of Three Hundred Eighty-Three Thousand, Two Hundred Eighteen Dollars (\$383,218.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Youth Services Grant. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION accepting grant funds in the amount of Fifty Nine Thousand, Three Hundred Forty Dollars (\$59,340.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Adult Services Grant. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of Seventy Six Thousand, Two Hundred Forty Two Dollars (\$76,242.00) from the State of Tennessee Department of Labor and Workforce Development for WIA Title One Dislocated Workers Services Grant. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting grant funds in the amount of Four Thousand, Seven Hundred Eighty Six Dollars (\$4,786.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Workers and Administrative Services Grant. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

26. RESOLUTION authorizing the Division of Housing and Community Development to award \$832,769.00 in grants to fund designated 501(c)3 organizations for the purpose of neighborhood community, business, and economic development programs.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

27. RESOLUTION appropriating \$139,161.00 funded by G.O. Bonds General (Storm Water) in Perkins Area Detention, Project Number ST03096 for a construction contract with Ferrell Paving, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating \$151,910.00 funded by Sewer Revenue Bonds for St. Stephen's Sewer Extension, Project Number SW01028 for a construction contract with Argo Construction.

Morrison

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating \$124,905.00 funded by Sewer Funds for Pleasant Run Sewer Extension, Project Number SW03016 for a construction contract with Argo Construction to provide service to an unsewered area.

Morrison

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$576,934.00 funded by Sewer Revenue Bonds for Tulip Creek Sewer Extension, Project Number SW01023 for a construction contract with B & C Construction.

Morrison

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION to decrease the monthly solid waste fee for the apartment houses and mobile homes with centralized, mechanized collection for each unit in accordance with Chapter 9, Section 9-56-11 of the Solid Waste Fees for Collection and Disposal Ordinance.

Morrison

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

32. RESOLUTION accepting grant funds in the amount of \$6,000.00 from the Tennessee Historical Commission for the Memphis Landmarks Commission CAMP Training to host a National Alliance of Preservation Commissions Assistance and Mentoring Program (CAMP) to continue the Memphis Landmarks Commissioners training as required by the Certified Local Government Agreement. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$4,000.00.

Lowery

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION accepting grant funds in the amount of \$2,900.00 from the Tennessee Historical Commission for the Memphis Landmarks Commissioner Training to send at least two Commissioners or staff to the National Alliance of Preservation Commissions Forum 2008 National Conference. The Memphis Landmarks Commissioners and staff are required by the Certified Local Government Agreement to receive training every year. Resolution also amends the FY 2009 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$1,934.00.

Lowery

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving a hotel waiver for Hyatt Place located at 7902 Giacosa Place. (Held from 7/1; 7/15)

Lowery

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving a special use permit located 370 feet south of Dexter Road; ± 490 feet west of Appling Road, containing 6,400 square feet, in the Agricultural (AG) District.

Lowery

Case No. SUP 08-214cc

Applicant: Crown Castle, Inc.
Sean Massey, CCIM

Request: Extend existing 150 ft. cell tower (CMCS) to 165 ft.

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

36. RESOLUTION approving a special use permit located on the east side of Cooper Street; +45 feet north of Walker Avenue, containing 0.304 acre in the Local Commercial (C-L) District.

Lowery

Case No. SUP 08-221

Applicant: Kristina Ryan
Charles Ryan – Representative

Request: Use of a portion of a church parking lot (1006 S. Cooper St.) in the C-L District to meet the required parking for a restaurant with alcohol sales (937 S. Cooper St.) in the C-H District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

37. RESOLUTION approving a hotel waiver for Kings Inn located at 1250 S. Bellevue, Memphis, TN 38106.

Lowery

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION establishing a moratorium on the issuance of adult-oriented business and compensated dance permits by the Memphis and Shelby County Office of Planning and Development and the Memphis Alcohol Commission and Permits Office, until March 1, 2009.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

GENERAL ITEM

39. RESOLUTION to transfer the hiring process of Police Officers to the Human Resources Division. (Held from 6/17; 7/1; 7/15)

McCormick

ACTION REQUESTED: Adopt the resolution

PRESENTATIONS AND RECOGNITION OF VISITORS

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADDENDUM

7. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

Consent

G. Case No. PD 90-312

Located on the southeast corner of Poplar Avenue and Interstate 240, containing 28.38 acres in an area currently governed by PD 90-312

Appellant: WRI Ridgeway, LLC
Buckner Wellford – Representative

Request: Appeal provisions of the Land Use Control Board decision on 6/12/08 which approved a revised site plan for the Ridgeway Trace Planned Development, subject to conditions

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 19, 2008

MLGW CONSENT AGENDA

40. RESOLUTION approving the selection of NEPC, LLC, as investment management consultant for benefit of the MLGW Retirement and Pension Fund, in the amount of \$249,000.00 plus travel, under Contract No. 11295. (Held from 6/17; 7/1)

Consent

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. Dropped
4. Through 6 – Approved
7. Public Hearing set for August 19, 2008
8. Through 35 – Approved
36. Held to August 19, 2008
37. Failed
38. Approved

39. and 40 – Held to August 19, 2008

ACTION TAKEN ON THE MINUTES OF AUGUST 5, 2008 FOR ITEMS #32 & #33 ONLY:

Approved

ACTION TAKEN ON THE MINUTES OF JULY 15, 2008

Approved